

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

v.

WHITAKER, *et al.*,

Defendants.

Case No. 24-cv-11270

Honorable Thomas L. Ludington

Magistrate Judge Elizabeth A. Stafford

**ORDER STRIKING PLAINTIFF'S AMENDED COMPLAINT
(ECF NO. 76)**

The Court granted Hardy leave to file an amended complaint consistent with its order. ECF No. 73. But Hardy filed an amended complaint that was inconsistent with the order, including by trying to re-add claims that the Court found implausible. ECF No. 76. Hardy restated the claims in an apparent effort to make them plausible. But as explained during a scheduling conference on April 1, 2025, Hardy cannot add those claims without moving for and being granted leave to add claims not allowed under the March order. See Rule 15(a)(2) and Local Rule 15.1. Thus, the Court **STRIKES** Hardy's amended complaint (ECF No. 76) as improper.

Hardy has tried to add Officer DeShawn Perry to this case, but the Court struck the proffered amended complaint to add Officer Perry. ECF No. 73. Hardy has repeatedly proffered amended complaints with claims that have already been found implausible or improper as a matter of law. ECF No. 40; ECF No. 43; ECF No. 45; ECF No. 51. For example, the Court has already ruled that Hardy's effort to sue defendants in their official capacities is implausible. See ECF No. 56, PageID.367. Yet Hardy's more recent proffered amended complaint sought to sue defendants in their individual and official capacities. ECF No. 76. Hardy's repeated efforts to re-add claims has stalled this litigation.

Of most concern, Officer Perry has not been added as a defendant in an operative complaint, and he has not yet been served. Even so, attorney Tom Sparrow, who represents officials with the Flint Police Department, appeared at the scheduling conference. He graciously agreed to accept service for Officer Perry when those service documents are ready.

Hardy has until **April 23, 2025**, to file an amended complaint consistent with the Court's March order. During the conference, Hardy agreed to seek assistance from this district's pro se clinic. The clinic's phone number is (313) 234-2690. The parties then must appear for another status or scheduling conference on **April 30, 2025, at 10:30 a.m.**

IT IS SO ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: April 1, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 1, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager